

Application Serial No. 10/537,935  
Reply to office action of April 16, 2008

PATENT  
Docket: CU-4238

**REMARKS/ARGUMENTS**

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**JUL 15 2008**

Reconsideration is respectfully requested.

Claims 1-31 are pending before this amendment. By the present amendment, claims 1, 9, 26, 28, and 30 are amended. No new matter has been added.

In the office action (page 2), the specification is objected to for failing to provide proper antecedent basis for the claimed --computer-readable recording medium-- of claim 31. This objection appears to be an error as the claimed --computer-readable recording medium-- is supported in the specification. The specification [0119] recites that "embodiments of the present invention further relate to **computer readable media**" and further recites that examples of computer-readable media include magnetic media, optical media, magneto-optical media, and the like. It is well known that the above media are recordable as well readable. Further, it is both inherent and necessary that computer-readable media be recordable. That is, any media can only be read if some information has been first written or recorded on the media. Therefore, by definition any readable media must also be recordable at a given time.

The specification provides clear support such that the meaning of the claimed -- computer-readable recording medium-- is ascertainable by reference to the description as per the requirements of 37 CFR 175(d)(1).

Nonetheless, the specification has been amended for clarification as follows:

In addition, embodiments of the present invention further relate to computer readable/recordable media.

No new matter has been added, as the above amendment merely clarifies that readable computer media are inherently recordable as well. As such, withdrawal of the objection

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to the specification is respectfully requested.

In the office action (page 2), claims 30 and 31 stand rejected under 35 U.S.C. §101 as being directed to a non-statutory subject matter.

Claimed subject matter is directed to a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) when it:

- 1) transforms an article or physical object to a different state or thing; or
- 2) otherwise produces a useful, concrete and tangible result.

In response claim 30 has been amended as follows:

—a network information provider inputting a bidding price into the system for generating a search result list—

Support for this amendment is found at least in the specification [0113], [0050] and as such no new matter has been added.

The applicants recognize that a process that merely manipulates an abstract idea or performs a purely mathematical algorithm is non-statutory although it might inherently have some usefulness. However, claim 30 as amended is **not** directed to mere manipulation of abstract idea or computation of a purely mathematical algorithm. That is, according to the presently claimed invention of claim 30, a bidding price is inputted into the system for generating a search result list from outside of the system. The bidding prices inputted from the outside are then received by the tender conditions receiving unit. Further, the received bidding price transformed into a successful bid for a keyword in the successful bid making unit. The data being manipulated in the presently claimed invention are not in the abstract realm but are the results of the physical transformation of the inputted bidding price into data. (See *Diamond v. Diehr*,

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450 U.S. at 183-84, 209 USPQ at 6, "A [statutory] process ... [includes] an act, or a series of acts, performed upon the subject matter to be transformed and reduced to a different state....")

Thus, at least for the above reasons alone, the subject matter as claimed in claim 30 is statutory as it recites a limitation that "1) physically transform or reduce an article to a different state or thing," and, on this ground alone, withdrawal of the rejection is respectfully requested.

In the office action (page 3) the examiner asserts with regards to claim 31 that "a claimed signal is clearly not a 'process' under 35 U.S.C. §101". The applicants respectfully request that the examiner clarify what the "claimed signal" refers to, as there is no "signal" claimed in claim 31, or in any other claim, of the present invention. In defining functional descriptive material, the MPEP §2106.1 recites:

"In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035."

The method for generating a search result list in response to a search request input from a searcher through a communication network of claim 1 is implemented by a program recorded on the computer-readable recording medium of claim 31. It is clear that the claimed --computer-readable recording medium-- is a "physical thing" which is directed to more than a mere program listing when the present invention is taken as a whole.

Nevertheless, paragraph [0119] of the specification has been amended to clarify that the computer-readable recording medium is a physical tangible thing as follows:

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The media may also be a transmission medium such as optical or metallic lines, wave guides, etc. ~~including a carrier wave transmitting signals specifying the program instructions, data structures, etc.~~

As amended, the computer-readable recording medium as described in the specification relates only to physical media on which a program for implementing the method of claim 1 may be recorded. Claim 31 as amended is unambiguously limited to statutory subject matter as set forth in 35 U.S.C. §101, and withdrawal of the rejection is respectfully requested.

In the office action (page 4), claims 1-8, 16, 20 and 31 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Publication No. 2002/0165849 (Singh) in view of U.S. Publication No. 2001/0056396 (Goino) and further in view of U.S. Publication No. 2004/0193489 (Boyd). In the office action (page 12), claims 9-15, 17, 19, 21-23 and 26-30 stand rejected under 35 U.S.C. §103(a) as being obvious over Singh in view of Goino. In the office action (page 23), claims 24 and 25 stand rejected under 35 U.S.C. §103(a) as being obvious over Singh in view of Goino and further in view of U.S. Publication No. 2001/0039524 (Harrison). The "et al." suffix is omitted in a reference name.

The applicants respectfully **disagree**.

At the outset, it is respectfully pointed out that Boyd does **not** qualify as a valid prior art reference as Boyd's U.S. filing date of December 31, 2003 is after the December 14, 2002 and March 7, 2003 filing dates of the parent Korean Patent Application No. 10-2002-00080066 and Korean Patent Application No. 10-2003-0014486, from which the present application U.S. Serial No. 10/537,935 claims priority to.

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Certified copies of the parent Korean Patent Application No. 10-2002-00080066 and Korean Patent Application No. 10-2003-0014486 have been submitted to the USPTO on June 8, 2005 (and the receipt of this foreign priority claim has been acknowledged by the examiner in the office action summary mailed on February 26, 2007).

To perfect this claim to priority, enclosed herewith is a full English translation of the parent Korean Patent Application No. 10-2002-00080066 and parent Korean Patent Application No. 10-2003-0014486 and Translation Verifications signed by the translator.

Therefore, it is respectfully pointed out that the cited Boyd reference does not qualify as a valid prior art reference, because Boyd's U.S. filing date of December 31, 2003 is later than both the December 14, 2002 and March 7, 2003 priority dates of the present application. The Applicant has perfected this priority date by filing certified copies of the priority documents, Korean Patent Application No. 10-2002-00080066 and Korean Patent Application No. 10-2003-0014486, filed December 14, 2002 and March 7, 2003 respectively, with the USPTO. Accordingly, the rejection based on the cited Boyd reference is improper, and **withdrawal** of the §103(a) rejection is respectfully requested.

However, the cited Boyd reference appears to be a division of a parent application reference (S/N 09/638,457), which may have a filing date earlier than the priority date of the present application. In anticipation of a possible future rejection based on the parent application reference, the applicants respectfully submit the amendments and arguments in this paper to advance the patent prosecution. In order to do so, the cited Boyd reference and its parent application are assumed to provide the same disclosure for convenience.

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The presently claimed invention relates to a method and system for generating a search result list in response to a search request through a communication network in which keyword goods are sold to network information providers in a tender system. Keyword goods are determined according to a combination of a keyword, a form of display, and the ranking of the search list order (specification [0049]).

According to the tender system of the presently claimed invention, the purchase prices submitted by the network information providers desiring to purchase the keyword goods through a communication network, and the purchase prices are secretly received during a tender time period by the tender system (specification [0050]). After completion of the tender time, the one or more network information providers proposing the highest purchase price among the received purchase prices are selected as the successful bidders. That is, according to the tender system of the presently claimed invention, a purchase price submitted by a network information provider is hidden from other network information providers until after the completion of the tender time.

The tender method of the presently claimed invention eliminates deficiencies associated with traditional keyword selling systems. For example, according to a conventional keyword selling system, as discussed in the background art, excessive purchase competition between numerous network information providers may occur when "premium" keywords are sold (specification [0005]). When excessive purchase competition occurs, a selling system will be overwhelmed with a multitude of purchase requests through the communication network, and while the sale of the keyword is still completed, issues regarding the fairness of the sale arise (specification [0005]).

Further, purchase prices may rise excessively when not hidden from bidders

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(e.g., network information providers) for the duration of the auction time (specification [0050]). That is, when purchase prices are visible to bidders for the duration of an auction, a bidder may propose a purchase price higher than the highest displayed purchase price immediately before the auction is ended leading to unreasonable price due to excessive competition (specification [0007]).

The tender method of the presently claimed invention eliminates the above deficiencies associated with the conventional auction method. That is, according to the tender method of the presently claimed invention, reasonable purchase prices can be ensured by hiding the purchase prices submitted by the network information providers until after the completion of the tender time. In order to clarify this aspect of the presently claimed invention, claim 1 (and similarly claims 9, 26, 28, and 30) has been amended as follows:

--receiving bidding prices higher than or equal to the lowest limit bidding price and tender conditions including the keyword and a predetermined search listing display method for a search listing from each of a plurality of network information providers, wherein the received bidding prices are hidden from each of the plurality of network information providers--.

Support for the above amendment can be found at least in the specification [0050], and as such, no new matter has been added.

Claim 1 as amended clearly recites that the received bidding prices are hidden from the network information providers. That is, according to an embodiment of the present invention, when a network information provider purchases keyword goods, any previously submitted bids are hidden from the network information provider, thereby overcoming the problems associated with a conventional auction system as discussed above.

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Singh, Goino, Boyd, and Harrison fail to teach or suggest claim 1 (and similarly claims 9, 26, 28, and 30) as amended whether considered individually or in combination as will be discussed below.

Nowhere in Singh teaches or suggests claim 1 as amended. Singh is directed to an automatic notification method utilized in a pay for performance marketplace system. According to Singh, a bid corresponding to economic value given by an advertiser when a searcher is referred to a network location associated with the advertiser (Singh page 4, [0030]). The advertiser participates in a competitive bidding process for search items with other advertisers (Singh page 10, [0198]). A rank value of an advertiser's search listing determines the placement location of the advertiser's entry in a search result list. The rank value is determined according a direct relationship to the bid amount (Singh page 12, [0213]). According to Singh, an automatic notification may be issued if an advertiser is outbid for a particular search term thereby changing the position of the search term on the search result list page (Singh page 13, [0218]). That is, according to Singh, the bidding process continues after an advertiser's bid has been accepted and the amount of the advertiser's bid can be changed accordingly.

In contradistinction, according to the presently claimed invention of claim 1, the bidding price of a network information provider cannot be altered in response to the bidding prices of other network information providers, as the bidding prices of other network information providers are hidden during the tender process. Not only does Singh fail to teach that —the received bidding prices are hidden from each of the plurality of network information providers— as claimed in claim 1, but Singh teaches away from such a system by continuing the bidding process after an advertiser's bid has been



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accepted.

Also, nowhere in Goino teaches or suggests claim 1 as amended. Goino is directed to an auction method that can satisfy requirements other than price such as time, position, or distance in relation to the auction. For example, according to Goino an auction may be conducted such that bidders compete in a trading date auction or a position auction (Goino page 9, [0162]). That is, according to Goino the successful bidder may not necessarily be the highest bidder in terms of price because additional factors such as location of the bidder are considered.

Each of the auction methods of Goino is a modification of an auction including additional criteria (i.e., time and position elements), and as such, each of the auction methods of Goino would suffer from the same deficiencies discussed above relating to the conventional auction method. Nowhere in Goino teaches or suggests —the received bidding prices are hidden from each of the plurality of network information providers— during the duration of the auction as claimed in presently amended claim 1.

Nowhere in Boyd teaches or suggests claim 1 as amended. Boyd is directed to an electronic points system that allows consumers to redeem points earned by purchasing consumer goods (e.g., a soft drink bottle caps program). The electronic points can be redeemed in several different auction formats such as a Standard Auction, a Dutch Auction, a Progressive Auction, a Buy-or-Bid auction, and a Declining Bid Auction (Boyd [0225] - [0333]).

According to Boyd the Standard Auction awards the merchandise to the bidder who has submitted the highest bid price during the duration of the auction (Boyd page 13, [0224]). Boyd's Dutch Auction awards a plurality of items to a plurality of winning

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bidders, each winning bidder is charged the lowest winning bidder's bid price (Boyd page 16, [0257]). Boyd's Progressive Auction is a modified Dutch Auction where the quantity of items allotted to each of the plurality of winning bidders need not be equal to one (Boyd page 18, [0280]). Boyd's Buy-or-Bid auction modifies the traditional auction to guarantee the item to a bidder who places a bid above a predetermined selling price, while maintaining the Standard Auction format for all bids below the predetermined selling price (Boyd page 20, [0309]). Boyd's Declining Bid Auction modifies the Standard Auction such that price of an item decreases with time (Boyd page 21, [0322]).

None of the auction methods of Boyd teach or suggest --the received bidding prices are hidden from each of the plurality of network information providers-- as claimed in presently amended claim 1. Each of Boyd's auction methods would suffer from the same deficiencies discussed above relating to the conventional auction method. Further, Boyd teaches away from this aspect of the present invention by suggesting that the optimal bidding time period should be of a duration that will encourage the "high energy frenzy of bidding activity" (Boyd page 22, [0336]). The encouraged "high energy frenzy" bidding activity of Boyd is the exact problem the presently claimed invention overcomes as discussed above.

Nowhere in Harrison teaches or suggests claim 1 as amended. Harrison is directed toward a method that eliminates buying and selling risks associated with online auctions at a minimal cost. According to Harrison a typical Internet Auction or other eCommerce transaction is supplemented with a guaranty or bond that affords a right of protection to a Buyer (Harrison page 3, [0059] to [0060]; FIGS. 1-2B).

Accordingly, nowhere in any of the cited references, whether considered

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individually or in combination, teaches or suggests the presently claimed invention of claim 1, which recites inter alia, --the received bidding prices are hidden from each of the plurality of network information providers-- as claimed in presently amended claim 1. An indication of allowable subject matter with respect to claim 11 (and similarly claims 9, 26, 28, and 30) is respectfully requested.

Additionally, the applicants maintain that nowhere in Singh, Goino, Boyd, or Harrison teaches or suggests:

**--determining the lowest limit bidding price for each of a plurality of keywords, the lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--.**

The above element of claim 1 (similarly recited in claims 9, 26, 28, and 30) describes a step where a lowest limit bidding price is determined in consideration of a number of factors including a number of page views, a unit price per one page view, and a weight associated with a preference for each keyword (specification [0070]). The lowest limit bidding price establishes a threshold bidding amount such that only a tender for a bidding price greater than the lowest limit bidding price can be performed (specification [0070]).

The examiner acknowledges that Singh does not teach the claimed --lowest limit bidding price--, but asserts that Goino [0108] teaches a method for determining the lower limit bidding price for each keyword. Goino shows an article registration screen where a desired price can be selected from three types: a fixed price, a slide price, and a minimum price. The minimum price of Goino is defined as a minimum acceptable bid. Nowhere in Goino teaches or suggests that the lowest limit bidding price be **determined** according to one of --a number of page views for each keyword, a basic

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unit price per one page view and a weight associated with a preference for the each keyword—. For that matter, nowhere in Goino teaches or suggests that the minimum acceptable bid is anything but an arbitrary amount selected by the seller

Similarly, Boyd shows a minimum selling price that a seller is willing to sell his merchandise (Boyd page 13, [0225]). Like Goino above, nowhere in Boyd teaches or suggests that the minimum selling price is anything but an arbitrary amount selected by the seller. Such an arbitrary minimum price cannot teach the claimed --lowest limit bidding price being determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight associated with a preference for the each keyword--.

In the office action (page 4) the examiner asserts that Singh teaches the --lowest limit bidding price-- is determined in consideration of at least one of at least one of a number of page views for each keyword, a basic unit price per one page view, and a weight associated with a preference from each keyword. This is not the case. Singh shows a "rank value" assigned to a search listing by a processing system. The rank value of Singh is established by an association between a bid amount, a rank, and the search term of a search listing (Singh page 15, [0234]). This process gathers all the search listings and assigns the highest rank value to the highest bid amount, the next highest rank value to the next highest bid amount, and so on. This process merely displays the search list entries in ascending order according to the amount of the bid.

In contradistinction, according to the presently claimed invention of claim 1, the lowest limit bidding price is --determined in consideration of at least one of a number of page views for each keyword, a basic unit price per one page view and a weight

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associated with a preference for the each keyword—. That is, the lowest limit bidding price is not arbitrarily assigned, or assigned merely as a reflection of bid amount; but rather, --the lowest limit bidding price— is determined in consideration of factors such as the number of page views and a preference for a given keyword.

Singh and Goino, whether considered individually or in combination, do not teach or suggest the claimed --lowest limit bidding price— determined as discussed above. As such, an indication of allowable subject matter with respect to claim 1 (and similarly claims 9, 26, 28, and 30) is respectfully requested.

With regards to claim 30, claim 30 has been amended as discussed above, and additionally amended to incorporate the limitations of claim 8, to recite:

--wherein the tender conditions selectively further include information on network information providers or a predetermined display period of time--.

Support for the above amendment is found at least in the specification, paragraph [0063]. The above amendment more clearly defines the tender conditions of the present invention of claim 30, which is considered allowable at least for the reasons above.

As to claims 2-8, 10-17, 19-25, 27, 29, and 31, the applicants respectfully submit that these claims are allowable, at least since they depend from one of claims 1, 9, 26, 28, and 30, which are now considered to be in condition for allowance for the reasons above.

For the reasons set forth above, the applicants respectfully submit that claims 1-17 and 19-31 pending in this application are in condition for allowance over the cited references. Accordingly, the applicants respectfully request reconsideration and

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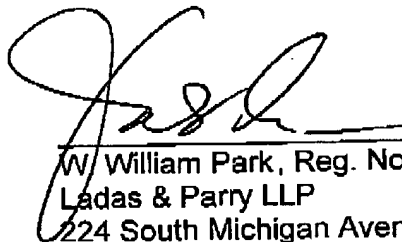
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withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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